

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DESERT ORCHID PARTNERS, L.L.C.,)
individually and on behalf of all others)
similarly situated,)
Plaintiff,)

v.)

TRANSACTION SYSTEMS)
ARCHITECTS, INC., WILLIAM E.)
FISCHER, GREGORY J. DUMAN,)
DWIGHT G. HANSON, DAVID C.)
RUSSELL, and EDWARD FUXA)
Defendants.)

8:02CV553

ORDER

NANCY ROSEN, individually and on)
behalf of all others similarly situated,)
Plaintiff,)

v.)

TRANSACTION SYSTEMS)
ARCHITECTS, INC., WILLIAM E.)
FISCHER, GREGORY J. DUMAN)
DWIGHT G. HANSON, DAVID C.)
RUSSELL, and EDWARD FUXA,)
Defendants.)

8:02CV561

ORDER

This matter is before the court on defendants' appeals, Filing No. 310 in 8:02CV553 and Filing No. 352 in 8:02CV561, of the orders of the United States Magistrate Judge ("magistrate") dated May 19, 2006, Filing No. 297 in 8:02CV553 and Filing No. 339 in 8:02CV561. Defendants object to the magistrate's denial of their motion to preclude the law firm of Cauley Bowman from participating in this action.

On review of a decision of the magistrate on a pretrial matter, the district court may set aside any part of the magistrate's order that it finds is clearly erroneous or contrary to law. 28 U.S.C. § 636 (b)(1)(A); Fed. R. Civ. P. 72(a); *In re Lane*, 801 F.2d 1040, 1042 (8th Cir. 1986). See also *Bialas v. Greyhound Lines, Inc.*, 59 F.3d 759, 764 (8th Cir. 1995) (noting "a magistrate is afforded broad discretion in the resolution of nondispositive discovery disputes").

Defendants have not shown the magistrate's finding is either clearly erroneous or contrary to law. By previous orders, this court granted lead counsel authority to delegate work assignments to other counsel. Filing No. 19 in 8:02CV553 and Filing No. 45 in 8:02CV561. The PSLRA does not expressly prohibit this delegation. See 15 U.S.C. § 78u-4(a)(3)(B)(v). Participating counsel are aware that, under the PSLRA, the court will not approve any possible award of fees and expenses that reflects duplication, inefficiency, or the costs of coordinating the efforts of multiple firms. See 15 U.S.C. § 78u-4(a)(6). Absent a showing of inefficient management, duplicitous services, or unnecessary or wasteful expenses, the court will not disturb the magistrate's finding. Accordingly,

IT IS ORDERED that defendant's appeals (Filing No. 310 in 8:02CV553 and Filing No. 352 in 8:02CV561) of the magistrate's orders dated May 19, 2006, are denied.

DATED this 20th day of June, 2006.

BY THE COURT:

s/ Joseph F. Bataillon
United States District Judge